



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

May 15, 2013

Jennifer Brown-Scott
Refuge Manager
Deer Flat National Wildlife Refuge
13751 Upper Embankment Road
Nampa, Idaho 83686

Re: EPA Comments on the Comprehensive Conservation Plan and Draft Environmental Impact Statement for the Deer Flat National Wildlife Refuge in Canyon, Owyhee, Payette, and Washington Counties, ID; and Malheur County, OR. EPA Project Number 10-044-FWS.

Dear Ms. Brown-Scott:

The U.S Environmental Protection Agency has reviewed the above referenced project in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the EIS in meeting the procedural and public disclosure requirements of NEPA.

The DEIS/CCP includes four alternatives. Alternative 1 reflects the current management of Deer Flat NWR. Alternative 2 is the U.S. Fish and Wildlife Service's preferred management alternative and is generally a more intensive approach to management of Refuge resources when compared with current management under Alternative 1. The primary emphasis of Alternative 2 is reduced disturbance to important breeding, nesting and feeding areas, the reduction of undesirable plant and animal species, and the improvement of compatible recreation opportunities. Alternative 3 represents a more restrictive management approach when compared with Alternative 1 or Alternative 2. Alternative 4 represents the most protective management approach.

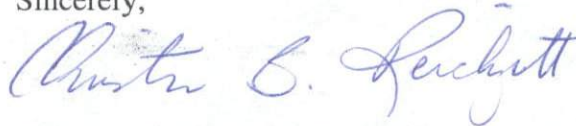
In our September 2010 scoping comments, we encouraged the Service to examine how alternative Refuge management practices could improve water quality and habitat. Within that context, we recommended that the Service prioritize carp removal. We also encouraged the Service to evaluate the potential impacts of climate change on the Refuge, including impacts to water levels within the Refuge, and impacts to groundwater influenced streams that feed the Boise River. Finally, we encouraged the Service to carefully evaluate motorized boating within the Refuge, consistent with direction in the National Wildlife Refuge System Improvement Act of 1997.

We appreciate the responsiveness of the Service to our scoping comments. We are fully supportive of the strategies outlined in Section 2.3 the CCP/DEIS for addressing water quality and we encourage the Service to aggressively pursue those measures. In particular, we recommend that the Service prioritize actions around reducing carp populations and implementing best management practices to reduce sediment runoff and to improve canal maintenance practices. We also appreciate the robust discussion of potential climate change impacts on the refuge in Sections 3.1.2 and 6.7.1.

While we believe Alternative 4 to be the environmentally preferable alternative pursuant to 40 CFR 1505.2(b), we are generally supportive of the preferred alternative (Alternative 2) identified in the DEIS. One question raised through our review relates to implementation and enforcement of no-wake zones under Alternative 2. As described, numerous zones would be identified within Lake Lowell. Considering the current rate of noncompliance with existing no-wake zones (DEIS Section 5.6.7), we recommend that the CCP/DEIS provide additional information about the methodology that would be used to implement and enforce the new and expanded no-wake zones.

Based on our limited range of concerns, we have assigned an LO (Lack of Objections) rating to the CCP/DEIS. A copy of the EPA rating system is enclosed. We appreciate your efforts to reduce disturbance to wildlife and habitats, restore and rehabilitate desired species, and increase the quality and accessibility of wildlife-dependent recreation. If you have any questions or concerns please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Teresa Kubo of my staff at, (503) 326-2859 or by electronic mail at kubo.teresa@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures:

EPA Rating System for Draft Environmental Impact Statements

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987